

1 that \$600,000 person figure. Where does that come
2 from? Do you have a frame of reference for that
3 figure that there were 600,000 people who did not
4 list after [sic] driver's license number or Social
5 Security number?

6 ANN MCGEEHAN: I think they're all
7 coming from the same place, which that is -- and
8 I -- you know, when we have shared information with
9 the Legislature before, we've sort of shared two
10 sets of information. One is -- that shows how many
11 people have stated they don't have a TDL number or
12 SSN number since January 1, because since --
13 January 1, 2006, because since January 1, 2006, it's
14 been required. So since that time, we show 34,506
15 voters out of almost 4 million that stated they did
16 not have I.D.

17 UNIDENTIFIED REPRESENTATIVE: Since
18 2006?

19 ANN MCGEEHAN: Yes.

20 UNIDENTIFIED REPRESENTATIVE: And is
21 there -- is there a provision -- provision in this
22 bill to identify that use of voters as possibly not
23 having I.D.?

24 ANN MCGEEHAN: I'm sorry. I didn't
25 understand.



ESQUIRE
DEPOSITION SOLUTIONS

Toll Free: 800.211.DEPO
Facsimile: 512.328.8139

Suite 220
3101 Bee Caves Road
Austin, TX 78746
www.esquiredepositionsolutions.com

1 UNIDENTIFIED REPRESENTATIVE: So, I
2 mean, if you're looking at possible uses of voters
3 that may not have the requisite I.D. to comply with
4 this bill, is there anything in the bill that would
5 require you to identify those folks, seek them out,
6 determine whether they have I.D. or not?

7 ANN MCGEEHAN: No, I don't believe
8 so.

9 CHAIRMAN BONNEN: Okay. Let's
10 talk -- we talked, I know, briefly about training of
11 poll workers.

12 Under this bill, what new duties will poll
13 workers perform, what new duties?

14 ANN MCGEEHAN: Let's see. Of course,
15 the qualification process will change as far as what
16 they will, you know, require of a voter before
17 they're permitted to vote. I can't really think of
18 any new. They -- if a voter doesn't have I.D.
19 today, they vote provisionally. So that will be the
20 same.

21 I guess the main change will be voters
22 that have filed a disability exemption with the
23 Voter Registrar. Those voters aren't going to have
24 to show I.D.

25 A voter who is 70 years of age on or



1 before January 2012 won't have to show I.D. So
2 those will be some new decisions they'll have to
3 make.

4 UNIDENTIFIED REPRESENTATIVE: Talk to
5 me about how you would administer those two
6 exceptions, the disability and the age?

7 ANN MCGEEHAN: Well, we're going to
8 have to come up with detailed training. So I
9 don't -- I don't -- I can't tell you exactly how
10 that's going to work. You know, we'll try to be
11 very thoughtful about that and look to other states
12 for best practices. But we'll have to revise our
13 handbooks, all our training, our online training,
14 video, to include guidance for the poll workers on
15 how to handle those new duties.

16 CHAIRMAN BONNEN: With respect to the
17 disability exemption, is there a document that the
18 person would put on file to receive that type of
19 exemption?

20 ANN MCGEEHAN: Yes. The -- the
21 Committee Substitute -- and that document would be
22 filed with the Voter Registrar, not with the -- not
23 at the polling place. And it allows written
24 documentation from the United States Social Security
25 Administration that evidence that the voter has a



Voter Fraud Hearing - Volume 2

March 1, 2011

294

1 disability or written documentation from the United
2 States Department of Veterans Affairs.

3 UNIDENTIFIED REPRESENTATIVE: So
4 those are the only two ways to get the exemption?

5 ANN MCGEEHAN: Correct.

6 UNIDENTIFIED REPRESENTATIVE: Okay.
7 Okay.

8 CHAIRMAN BONNEN: Representative
9 (inaudible).

10 UNIDENTIFIED REPRESENTATIVE: Yeah,
11 yeah.

12 CHAIRMAN BONNEN: I was going to
13 allow Members of the Committee to ask questions.
14 And I see two of them have their lights on and have
15 for some time. So, I mean, if you have more
16 questions, I'll come back to you, but I'd like to
17 let the Members of the Committee go ahead.
18 Representative Harless.

19 REPRESENTATIVE HARLESS: Hi. How are
20 you?

21 ANN MCGEEHAN: I'm good. Thank you.

22 REPRESENTATIVE HARLESS: Could you
23 tell us a little bit about the ongoing training that
24 the Secretary of State does as a part of their job
25 anyway?



ESQUIRE
DEPOSITION SOLUTIONS

Toll Free: 800.211.DEPO
Facsimile: 512.328.8139

Suite 220
3101 Bee Caves Road
Austin, TX 78746
www.esquiresolutions.com

1 ANN MCGEEHAN: We -- we have several
2 formats of training. We have had a 30-minute video
3 that we've had probably since the late '80s. And we
4 update that regularly, usually after a Legislative
5 session. We have detailed handbooks that are to be
6 used inside polling places. We have now an online
7 voter -- online training process, and we also do
8 schools and seminars. So we have an annual seminar
9 every summer for county officials.

10 REPRESENTATIVE HARLESS: This is --
11 this is something that you continue to do every
12 year --

13 ANN MCGEEHAN: Yes.

14 REPRESENTATIVE HARLESS: -- as part
15 your budget?

16 Can you tell me -- we've talked a lot
17 about the Help America Vote Act fund. How much
18 money was that originally?

19 ANN MCGEEHAN: I have my note on that
20 somewhere. Well, I think overall we've received
21 total for all the mandates in HABA about
22 \$200 million and -- okay. I -- I found it now. I'm
23 sorry. \$227 million dollars.

24 REPRESENTATIVE HARLESS: And how much
25 of that money have we spent?



1 ANN MCGEEHAN: We have spent about 80
2 percent of that money. What is remaining now is
3 about \$47 million.

4 REPRESENTATIVE HARLESS: And how much
5 money in the base budget that we received in the
6 House under the Secretary of State was in that base
7 budget appropriated for HABA money for federal
8 election training?

9 ANN MCGEEHAN: I -- I believe in
10 House Bill 1 -- I don't think it's broken down by
11 purpose areas within HABA, but I think overall it
12 was about \$37 million or --

13 REPRESENTATIVE HARLESS: 43, maybe?
14 It says under B1.4, "Strategy, elections
15 improvement, administration of federal Help America
16 Act -- Vote Act."

17 ANN MCGEEHAN: I defer to you. That
18 sounds right.

19 REPRESENTATIVE HARLESS: So of the
20 \$2 million it is likely, once this bill is passed,
21 that we can request that funds from the -- from the
22 Help America Vote Act to be appropriated to spend
23 additional monies as needed to train and get up to
24 speed on the photo I.D.?

25 ANN MCGEEHAN: Right. I mean, I



1 guess, just to be clear, we already have drawn that
2 money down based on our State plan.

3 REPRESENTATIVE HARLESS: We have it
4 set up in our base budget that we started with that
5 that Pitts (phonetic) laid out?

6 ANN MCGEEHAN: Yes.

7 REPRESENTATIVE HARLESS: There's been
8 a lot of conversation today about the 690,000 that
9 we're talking about. And I know Representative
10 Anchia mentioned to the 2.8 million or 5.2.

11 There's two sets of numbers we're working
12 with, two universes. The first universe is
13 registered voters that are from January 1st of 2006
14 to December 31st, 2010. Correct?

15 ANN MCGEEHAN: Right.

16 REPRESENTATIVE HARLESS: How many are
17 in that universe?

18 ANN MCGEEHAN: Total of all?

19 REPRESENTATIVE HARLESS: In that 2000
20 and -- January 1st, 2006 to December 31st, 2010.

21 ANN MCGEEHAN: I think the total --
22 the amount of voters that were registered during
23 that period is right under 4 million.

24 REPRESENTATIVE HARLESS: And those
25 are voters that, one, have a driver's license or



ESQUIRE
DEPOSITION SOLUTIONS

Toll Free: 800.211.DEPO
Facsimile: 512.328.8139

Suite 220
3101 Bee Caves Road
Austin, TX 78746
www.esquiresolutions.com

Voter Fraud Hearing - Volume 2

March 1, 2011

298

1 I.D.; that's about 2.3 million.

2 ANN MCGEEHAN: Right.

3 REPRESENTATIVE HARLESS: Then there's
4 voters that have registered with the last four of
5 their Social Security number, which is about
6 294,000.

7 ANN MCGEEHAN: Right.

8 REPRESENTATIVE HARLESS: Then there's
9 voters that registered with both, which is 1.3
10 million. And then there's a number of people that
11 registered that said they didn't have either.

12 ANN MCGEEHAN: Correct.

13 REPRESENTATIVE HARLESS: No Social
14 Security, no I.D., driver's license. So that's
15 34,000.

16 Of that 3.9 million, that's .8 percent of
17 that universe from January 1st until December 31st.
18 Do I understand that correctly?

19 ANN MCGEEHAN: Yes, that's correct.

20 REPRESENTATIVE HARLESS: Okay. So
21 now if we take all the statewide voters that are
22 registered, all of them, even the ones prior to
23 2006, which I would fall into that category, because
24 I haven't changed my address and I still have my
25 original voter registration that gets renewed every



ESQUIRE
DEPOSITION SOLUTIONS

Toll Free: 800.211.DEPO
Facsimile: 512.328.8139

Suite 220
3101 Bee Caves Road
Austin, TX 78746
www.esquiresolutions.com

1 couple years, that I did not provide a Social
2 Security last four or my I.D.

3 Of that number, how many do we have?

4 ANN MCGEEHAN: Of -- of that number
5 we have 5.2 million that showed TDL I.D. We have
6 2.1 million that have a -- a Social Security number
7 on file. And then the number of voters that have
8 both is 4.6 million.

9 REPRESENTATIVE HARLESS: Which totals
10 in -- in the ones that have neither numbers?

11 ANN MCGEEHAN: One with neither is
12 the 690,000 insuring 698,087.

13 REPRESENTATIVE HARLESS: The total
14 universes of registered voters that we have as the
15 last numbers we've received is 12 million about
16 655,000.

17 Now, of that 690,000 do we think all of
18 those people don't have either Social Security, I.D.
19 or driver's license?

20 ANN MCGEEHAN: I want to -- I want to
21 be careful on that, because, you know, we -- we
22 don't have direct evidence. But we can say that
23 before 2006 it wasn't required. So presumably, if
24 it wasn't required, people wouldn't give it.
25 Doesn't mean they didn't have it.



1 REPRESENTATIVE HARLESS: So
2 presumably some of those 690,000 people have
3 driver's license or I.D. cards or Social Securitys
4 [sic], they just did not have to require it at the
5 time?

6 ANN MCGEEHAN: I think that would be
7 a fair statement.

8 REPRESENTATIVE HARLESS: All right.
9 Another question about the fiscal note that we've
10 talked about. Some of the counties attached, you
11 know, small amounts of money that it would cost for
12 their county. Aren't most -- how -- explain that to
13 me. How can...

14 ANN MCGEEHAN: Well, I know on the
15 Senate side there may have been some confusion
16 regarding the voter registration certificate,
17 because the bill requires that the new voter I.D.
18 requirements appear on the back of the voter
19 registration certificate. And I think that in
20 conversations with some county officials they were
21 thinking if you had to put it on the front of the
22 certificate there wouldn't be space. So they
23 thought the certificate might need to be increased
24 in size, which would increase postage, but I don't
25 think that's necessarily required. The bill doesn't



1 say that. It just says that it goes directly on the
2 certificate.

3 I think another cost -- Tarrant County, I
4 think, had another cost for changing of the
5 provisional ballot affidavit form, some cost for
6 that.

7 REPRESENTATIVE HARLESS: Now, there's
8 some assumptions that the Secretary of State
9 typically doesn't do a lot of this work. But isn't
10 it true that they already do a lot of the work for
11 the training? So those can be absorbed as part of
12 your normal expense of your budget.

13 ANN MCGEEHAN: Right, right. We
14 would -- you know, after every session we normally
15 have to revise our training materials.

16 REPRESENTATIVE HARLESS: And can you
17 talk just a little - and I'll quit so everyone else
18 can ask their questions - but we've had some
19 questions about different last names and different
20 addresses.

21 What provisions will the Secretary of
22 State make on that, and is there training done for
23 that?

24 ANN MCGEEHAN: Currently, there's no
25 training on that, because the law is silent on the



Voter Fraud Hearing - Volume 2

March 1, 2011

302

1 issue of what happens if the names don't match. But
2 the Senate Bill 14, the engrossed version and the
3 Committee Substitute, contains some language about
4 as long as the names are substantially similar. So
5 our training would have to include some standards
6 on, you know, what an election judge or clerk would
7 need to look for and what would be considered
8 substantially similar.

9 The addresses don't have to match right
10 now. And that -- and that doesn't change under
11 Senate Bill 14. You don't have to show, I don't
12 believe, that the -- the addresses have to -- you --
13 you're -- you have to ask every voter if they've
14 moved, but they don't have to show their -- their
15 identification doesn't have to show where they live.

16 REPRESENTATIVE HARLESS: Thank you so
17 much --

18 ANN MCGEEHAN: Sure.

19 REPRESENTATIVE HARLESS: -- for
20 waiting all day and being patient.

21 ANN MCGEEHAN: You're welcome.

22 CHAIRMAN BONNEN: Representative
23 Aliseda.

24 REPRESENTATIVE ALISEDA: What -- what
25 is the current state or federal law for purging



ESQUIRE
DEPOSITION SOLUTIONS

Toll Free: 800.211.DEPO
Facsimile: 512.328.8139

Suite 220
3101 Bee Caves Road
Austin, TX 78746
www.esquiresolutions.com

Voter Fraud Hearing - Volume 2

March 1, 2011

303

1 voter lists. Do you know?

2 ANN MCGEEHAN: Yes. That's covered
3 under the National Voter Registration Act, and there
4 are some requirements associated with that. For
5 instance, you can't purge voters within so many days
6 of a November general election. You can't purge
7 voters if you suspect that they've moved until
8 you've actually reached out to those voters and sent
9 them a mailing. If they don't respond to that
10 mailing, their name goes to an inactive list or what
11 we call in Texas a suspect -- a suspense list. And
12 they stay on that list for a period of two federal
13 general elections. And if they don't vote or if
14 they don't correspond or communicate with the Voter
15 Registrar, their name would get purged on
16 November 30th of the second federal election.

17 REPRESENTATIVE ALISEDA: Well, I'm
18 trying to understand how that particular law
19 interfaces with individuals who do not have an
20 identification of some sort. You stated that since
21 2006 we have 34,000 of those individuals that have
22 indicated they don't have any form of
23 identification, but prior to 2006, we had an
24 additional 600,000 that didn't have to provide that
25 information.



ESQUIRE
DEPOSITION SOLUTIONS

Toll Free: 800.211.DEPO
Facsimile: 512.328.8139

Suite 220
3101 Bee Caves Road
Austin, TX 78746
www.esquiresolutions.com

1 So when would this purging require some
2 kind of follow-up on identification?

3 ANN MCGEEHAN: Well, I don't --
4 nothing -- there's nothing in the State law or -- or
5 the federal law or this bill that would require
6 somebody that registered to vote before 2006 to now
7 provide a driver's license number or Social Security
8 number. When they present themselves for voting
9 they're going to have to show a photo I.D. But they
10 won't be required to provide that data to the Voter
11 Registrar.

12 REPRESENTATIVE ALISEDA: As far as
13 the cost of education on this issue, does the State
14 allow for public service announcements by
15 broadcasting companies that have -- have --
16 frequently do some kind of voter -- voter education?

17 ANN MCGEEHAN: Yes. We definitely
18 try to make full use of that with our PSAs.

19 REPRESENTATIVE ALISEDA: But it's not
20 figured into that two million or the --

21 ANN MCGEEHAN: No, no. That would
22 be --

23 REPRESENTATIVE ALISEDA: -- 20
24 million or whatever it is you say we spend on
25 education?



Voter Fraud Hearing - Volume 2

March 1, 2011

305

1 ANN MCGEEHAN: Right. I mean, that's
2 something that we look for, but we'll probably go
3 out on bid to -- to -- for a company to help us form
4 this education program. And that's something we
5 look at is what companies can promise that earned
6 media so that we only pay for this much, but then we
7 get it aired more times --

8 REPRESENTATIVE ALISEDA: Are these
9 hearings earned media in a sense in that we have
10 some public interest in this and I assume people are
11 following it?

12 UNIDENTIFIED REPRESENTATIVE: We
13 shouldn't flatter ourselves.

14 REPRESENTATIVE ALISEDA: No further
15 questions.

16 CHAIRMAN BONNEN: Representative
17 Anchia, do you have more questions?

18 REPRESENTATIVE ANCHIA: Just a couple
19 more, Mr. Chairman. Thank you.

20 CHAIRMAN BONNEN: Take your time. I
21 just --

22 REPRESENTATIVE ANCHIA: I appreciate
23 that. I appreciate that.

24 The statement was made earlier in that
25 600,000-people universe that -- that there were --



ESQUIRE
DEPOSITION SOLUTIONS

Toll Free: 800.211.DEPO
Facsimile: 512.328.8139

Suite 220
3101 Bee Caves Road
Austin, TX 78746
www.esquiresolutions.com